

REMARKS

This amendment is in response to the Examiner's Office Action dated 2/26/2003. This amendment should obviate outstanding issues and make the remaining claims allowable. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

Applicants strongly feel that an Interview would help resolve technical issues with regard to the specification and claims. Hence, applicants hereby request an Interview with the Examiner to further discuss the claimed invention and distinctions with respect to the cited art.

Applicants also respectfully request the Examiner to withdraw the Final Rejection and issue a new Office Action.

Section 706.07(a) of the MPEP titled, "Final Rejection, When Proper on Second Action", provides for the instance in which a second action final rejection is proper. Section 706.07(a) discloses that "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)."

The Examiner in the first office action dated 08/29/2002 rejected independent claims 1, 11, 17, 20, 21, and 22 under USC §102(e). The Examiner also rejected dependent claims 2, 3, 4,

6, 9, 10, 12, 13, 15, 16, 18 and 19 under similar grounds. In the later office action dated 02/26/2003, the Examiner changed the grounds for rejection and issued a Final rejection based upon the amendment by applicants. Applicants contend that the Examiner erred in the Final office action of 02/26/2003, as independent claims 17, 20, 21, and 22 and dependent claims 6, 9, 10, 15, 16, and 18 were never amended in applicant's response of 11/27/2002. Hence, a Final rejection should not be necessitated by Applicants' response with regard to these non-amended independent and dependent claims.

STATUS OF CLAIMS

Claims 1-22 are pending.

Claims 1-4, 6, 9-13, and 15-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bisdikian et al. (US 5,974,406) in further view of Ralston et al. (US 6,389,454).

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bisdikian et al. (US 5,974,406).

Claims 5 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bisdikian et al. (US 5,974,406) in view of Durand et al. (US 6,272,467).

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention integrates both the time scheduling capabilities of a calendar system and the efficient matching functions of pairing services into one application that is powerful for many users, organizations and types of services. By integrating a calendar system with a matching service, the capabilities of the calendaring system will not only match an entity's similar interests or needs, but also provide a matching of activities according to time. This not

only allows an entity to locate other entities who would be interested in a particular activity, but also allows an entity to locate other entities who can participate in the activity at particular times. Another advantage of the present invention is that it is of greater convenience to the entity to create a calendar event, rather than filling out, for instance, a separate application in which an entity does not remain anonymous. By easing the process of requesting a match operation, entries into the system are more readily made. Applications of this method include personal matching (such as a dating service), extracurricular activities, commerce-based activities, and job positions and/or qualifications.

In the Claims

REJECTIONS UNDER 35 U.S.C. § 103(a)

Regarding claims 1-4, 6, 9-13, and 15-22, the Examiner states that Bisdikian, in view of Ralston, discloses a system for anonymously matching entities using an electronic calendaring system. To be properly rejected under U.S.C. §103, the combination of references must teach each and every element of the claimed invention. Applicants contend that the combination of Bisdikian in view of Ralston fails to teach the limitations of claims 1-4, 9-13, and 15-22.

The primary reference used, Bisdikian et al. (USP 5,974,406), discloses a method and apparatus for providing customized notification in response to a search query. A query is received from a user via a user interface and the user selects a time and means of notification, such as for example, by fax at a specified time. The system taught by Bisdikian et al. also receives several notification choices from both the user and a supplier of information and

matches the choices so that a supplier can notify a user in accordance with a mutually selected time and means of notification.

The secondary reference used, Ralston et al. (USP 6,389,454), provides for a computer implemented method of scheduling an appointment at a plurality of facilities providing a plurality of services. The method of Ralston et al. receives client information, inputs client information into a scheduling server, and generates appointments based upon certain limitations and an analysis of client information.

One of the present invention's goals is to integrate a calendar system with a matching service, therefore allowing a user not only to identify a match of similar interests or needs, but also to allow a user to locate other entities or parties who can participate in the match interest or need at a particular time. In the present invention, an identifying search criteria is to be when an activity or event is to occur. That is, the user specifies a time, date, or time period (before commencing with the search), for example, for which an activity or similar search request is to take place in order to locate a match. Bisdikian discloses that, if requested by the user in the user's profile, a system can obtain (after the search) contact dates and times conducive to the parties identified by the matching engine in order to inform the matched parties of possible meetings. That is, only if a user desires to, he may provide his calendar information in his profile so that he can request an event or match to be scheduled, after possible matches are located. This system wastes time identifying possible matches which cannot fit the time constraints of the requestor.

For example, you have free time to play tennis (at a specific tennis ranking level) on next Thursday from 5:00 to 7:00 PM. The present invention includes those matches that include both the time and match specifics (e.g., place, competitive level, etc.) The prior art does not consider 'time' as a parameter in search algorithms and, hence, would waste time locating many irrelevant (e.g., unavailable) matches. Secondly, the present invention can automatically provide notification upon matching at least two calendar events.

The present invention notifies entities associated upon the match of calendar events by way of a notifying element. That is, when two entities have a specific calendar event or time match, a match is determined and the entities are identified of the match. The entities or users of a match as disclosed in Bisdikian are notified of a match according to the personal profiles that the user creates, and not according to their schedules. According to Bisdikian, a user may request that after a match is identified that the users' schedules be compared in order to possibly add the event to their schedules. However, the present invention considers the comparison of the users' schedules in order to determine a match.

The present invention considers match data that comprises when an event is to occur and one or more relations, such as where, what, minimum matching requirements, or attributes. The present invention further categorizes these relations in order to simplify the matching process. The categories may include, for example, personal matching or commerce activity. The examiner states the example given in the Bisdikian patent includes buying and selling cars, and that the patent is directly applicable to many categories. However, the Bisdikian patent, either by itself or in combination with Ralston patent, fails to teach that these activities take place at a certain time or time period.

With regard to claims 1-4, 6, 9-13, and 15-22, an important distinction of the present invention over the primary reference (Bisdikian) is that the claimed invention allows a user to add an "event," for example, according to when, where, and a related category without requesting a user's name or similar personal information. Bisdikian, either by itself or in combination with Ralston, fails to disclose the use of anonymous entities, but Bisdikian, on the other hand, discloses that a profile (see column 2, lines 34-52) must be developed and a user I.D. assigned in order for a user to take part in a matching request.

With regard to claims 1-4 and 6, the Examiner states that computer storage and a match server are used in the matching process of Bisdikian based upon the retention of one or more calendar events. However, Bisdikian fails to mention calendar events as a part of the search criteria for a match. The identification of possible dates and times for an event to take place are scheduled after a match has occurred and is separate from the matching steps. Additionally, scheduling takes place should a user or party place the request for the system to do so, whereas the present invention focuses on matching an entity via a particular time or period.

The Examiner is correct in saying that Bisdikian et al. do not disclose match data comprising the timing of an event. But, applicants disagree with the Examiner's suggestion that the Ralston reference (in column 3, lines 50-64) discloses a system and method for matching based upon the time of an event. A closer reading of the Ralston patent suggests that the system and method merely allow for scheduling appointments based upon client information, such as, personal data, service data, client appointment preference data, and payment data. Applicants

contend that the Ralston patent fails to provide for matching based upon timing of an event, but rather provides for a system and method that simply schedules appointments.

Regarding claims 9 and 10, applicants further disagree with the Examiner's assertion that Bisdikian discloses a system for anonymously matching entities using an electronic calendaring system wherein the system is implemented across networks or existing communication mediums. A closer read of Bisdikian discloses that an automated matching service is implemented over the Internet, wherein the service still suffers from the limitations and disadvantages outlined above. For example, the system of Bisdikian fails to provide for an anonymous matching service. It also fails to match based upon the timing of an event. Additionally, unlike the suggestion of the Examiner, Bisdikian fails to disclose an anonymous matching system implemented over LAN or cellular networks.

Arguments regarding independent claim 1 equally apply to independent claims 11, 17, 20-22. Similarly, the abovementioned arguments regarding dependent claims 2-4 and 6 equally apply to dependent claims 12-13 and 18-19. Lastly, arguments regarding dependent claims 9-10 equally apply to dependent claims 15-16.

With regard to claims 7 and 8, the Examiner is correct in stating that the Bisdikian reference fails to explicitly disclose "multiplicity of time for a commerce activity are available at variable prices or rates from which the most favorable is selected. Applicants, however, disagree with the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Biskidian to select the match from a multiplicity of times for a commerce activity. The Examiner's argument assumes that the

Biskidian reference's system and method equate that of the present invention. Based upon the above mentioned arguments regarding independent claims 1, 11, 17, and 20-22, the Biskidian reference fails to equate to a system that anonymously matches entities based upon an electronic calendaring system. Hence, it would not have been obvious for one skilled in the art to modify Biskidian to provide for the limitations of claims 7 and 8

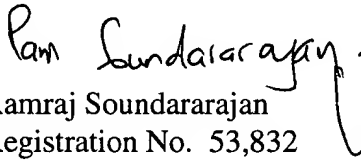
The above-mentioned arguments with regard to independent claims 1 and 11 still apply to dependent claims 5 and 14. Furthermore, Biskidian in combination with Durand et al. (USP 6,272,467) fail to provide for a system for anonymously matching entities using an electronic calendaring system. Durand et al., merely teaches a method for identifying matches based upon a predetermined traits and a set of preferences. There is no teaching in Durand et al. for matching compatible profiles in an electronic calendaring environment.

SUMMARY:

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0441.

Respectfully submitted,


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